

U.S. Patent Application No. 10/599,852
Amendment
Response to Office Action dated July 17, 2008

Docket No. 1610-122

REMARKS

The foregoing amendments and these remarks are in response to the Office Action dated July 17, 2008. This amendment is timely filed.

At the time of the Office Action, claims 1-5 were pending in the application. In the Office Action, objections were raised to the specification and claims 1-5. Claims 1-5 were rejected under 35 U.S.C. §102(b). The objections and rejections are discussed in more detail below.

I. Objections to the Specification

In the Office Action, objections were raised to the specification because it was asserted to lack appropriate section headings and included grammatical errors. Appropriate corrections are made herein, and amendments are also made herein to add appropriate section headings to the specification, using the paragraph numbering of the published application. Withdrawal of these objections is therefore respectfully requested.

II. Objections to the Claims

Objections were raised to the claims for the informalities listed in the Office Action. Appropriate correction is made herein, and withdrawal of the objections is respectfully requested.

III. Rejections to the claims based on cited art

Claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,567,458 to Englund (hereafter "*Englund*").

In order to clarify the claims in relation to the prior art, amendments have been made to claim 1. These amendments include the recitation that the sensitive thermostatic element is *electrically* connected with the printed circuit by means of *conductive* feet. This amendment finds support at least in figure 6, page 1, lines 28-29, page 2, lines 25-27, and original claim 3 of the application. The term "conductive feet" is at least inherently disclosed by the teaching that the relay 8 is electrically connected with the sensitive thermostatic element 9, and that the connection between these two components

U.S. Patent Application No. 10/599,852
Amendment
Response to Office Action dated July 17, 2008

Docket No. 1610-122

is by means of the feet 10. Applicant respectfully submits that amended claim 1, and hence all dependent claims, is patentable over the prior art.

The Examiner asserted that the feet of the present application correspond to the insulator 36 of *Englund*. However, applicant notes that *Englund* describes the use of a circuit board 40 which is mounted on a conductive plate 32, which in turn is in intermittent electrical contact with the arm 16 attached to disc 12 when the disk is in the convex configuration. This is in contrast with the assertion in the Office Action, which regards annular insulator 36 of *Englund* as being comparable to the feet 10 of the present application. As clarified by the amendments, the feet 10 of the present claims are conductive, not insulating. The plate 32 is not the same as the conductive feet 10 of the present application, because the only way that a short circuit can be prevented in *Englund* is by providing the annular insulator 36, which is thus essential to avoid short circuit, and to hold the disc 12 out of contact with the plate 32. The insulating element in the present application is the air between the conductive feet, which avoids a short circuit of the relay, and is not taught or suggested by *Englund*. See, for example, page 2, lines 28-30 and page 3, lines 1-2 of the present application.

Furthermore *Englund* fails to teach a relay as recited in the present claims, in contrast to the statement in the Office Action, but rather discloses a current-limiting resistor 48 connected to a power transistor 46 (see column 7, lines 36-37). This makes an important difference regarding the current rate in the printed circuit, and a person of ordinary skill in the art would not therefore make a simple substitution of a relay for the current-limiting resistor and power transistor in the arrangement taught by *Englund*.

Applicant believes that for the reasons set forth above, the cited art fails to disclose each and every element of amended claim 1, and thus, claim 1 is believed to be patentable. The dependent claims are also believed to be patentable for at least the reasons set forth above, due to their dependence on an allowable base claim and for further features recited therein.

IV. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless,

{WP535278.3}

U.S. Patent Application No. 10/599,852
Amendment
Response to Office Action dated July 17, 2008

Docket No. 1610-122

Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted

Date: 10/17/08

J. Rodman Steele, Jr.
Registration No. 25,931
Sarah E. Smith
Registration No. 40,488
AKERMANN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000